

**65.8829 Hearing officer -- Duties -- Procedures -- Ordinance for alternative procedure.**

- (1) A code enforcement board may assign a hearing officer as provided by ordinance to conduct hearings in accordance with the procedures set forth in KRS 65.8828.
- (2)
  - (a) Any member of the code enforcement board, including the chair, may be assigned as a hearing officer.
  - (b) An individual that is not a member of the code enforcement board may be assigned by the code enforcement board as a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with a unit of local government that created the code enforcement board.
- (3) Any person assigned to be a hearing officer by a code enforcement board shall have experience or shall have received training in the code enforcement process and basic procedural due process, as specified in the ordinance creating the code enforcement board. The experience or training shall include, at a minimum, acquired knowledge regarding a party's fundamental due process right to:
  - (a) Be accompanied and advised by counsel at the hearing;
  - (b) Present evidence and witnesses on his or her behalf at the hearing;
  - (c) Examine the evidence opposing the party; and
  - (d) Confront and cross-examine the witnesses opposing the party.
- (4) An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence to the hearing to which the officer is assigned.
- (5) Any hearing conducted by a hearing officer under this section shall conform to the procedural requirements of KRS 65.8828(1) to (5).
- (6) The hearing officer shall make written findings of fact, conclusions of law, and a recommended order for consideration by the code enforcement board. The hearing officer shall, within twenty-four (24) hours of entry, forward these findings, conclusions, and recommended order to the alleged violator in the manner required by KRS 65.8828(5) and to the code enforcement board for its action under KRS 65.8828.
- (7)
  - (a) In lieu of subsection (6) of this section, a local government may provide in the ordinance establishing the code enforcement board that a hearing officer shall make written findings of facts and conclusions of law, and enter final orders consistent with the authority granted to the code enforcement board under KRS 65.8828(4).
  - (b) The findings of fact, conclusions of law, and final order shall be forwarded within twenty-four (24) hours of entry to the alleged violator in the manner required by KRS 65.8828(5) and to the code enforcement board.
  - (c) For appeals of a final order of a hearing officer issued under this subsection, the local government shall designate in the ordinance governing the operation of the code enforcement board that either:

1. A final order issued by a hearing officer under this subsection may be appealed by the alleged violator to the code enforcement board in accordance with terms specified in the ordinance governing the operation of the code enforcement board. If the local government provides appeals to the code enforcement board, the appeal shall be filed in writing to the code enforcement board within seven (7) days of the receipt of the final order. The failure to file an appeal within seven (7) days shall render the order entered by the hearing officer final for all purposes and an individual receiving a final order under this subparagraph shall be required to exhaust the administrative remedy of appeal to the code enforcement board before appealing to District Court as authorized under KRS 65.8831; or
2. A final order issued by a hearing officer under this subsection may be appealed by the alleged violator directly to District Court, in accordance with the provisions of KRS 65.8831.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 86, sec. 5, effective July 15, 2016.